

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4th Floors, M.S. Building, 5th Stage, Bengaluru – 560001

H.R.C No: 3993/10/5/2018

Date: 29-06-2021

PRESENT

Justice D.H. Waghela
Chairperson

Shri K.B. Changappa
Member

Shri R.K. Dutta
Member

Informant:

Superintendent,
Central Prison,
Vijayapura

V.

Respondent:

A.C.S,
Govt. of Karnataka,
Department of Home

OPINION, REPORT AND RECOMMENDATIONS

1. The complaint is registered on the basis of the g-mail intimation dated 03-10-2018 of the Superintendent of Central Prison, Vijayapura. It is reported that Saraswati Chandramma, U.T.P No: 6020, aged about 26 years and R/o Anjutagi Village, Indi Taluk, Vijayapura District was remanded to judicial custody in P.S.C.R No: 103/2018 u/s 143,147,148,114,324,307,504,506 R/w 149 I.P.C. It is further reported that the prisoner delivered a girl child on 20-09-2018 and was remanded back to the prison on 21-09-2018. Since the baby was seriously unwell, she was shifted to District Hospital, Vijayapura on 03-10-2018 and treated in the I.C.U. It is stated that the baby died on the same day due to failed treatment at 17.15 hours.

- 2.** The inquest was conducted by I Addl. C.J & J.M.F.C Court, Vijayapura. It is reported that relatives of the deceased baby were also in the prison alongwith the mother of the deceased and they had not expressed any doubt regarding the cause of her death. It is further stated as under:

“on same day the inquest panchanama of deceased baby is conducted in the outer section of ICU for new born babies in the District Hospital, Vijayapura from 05.00 p.m. to 05.45 p.m. in the presence of panchas, mother of deceased baby, concerned doctor and police. At the time of inquest it is observed that there was small wound between the left thigh and private part of deceased baby. The stains of vomit on the right side of chick of baby was present, the stomach was enlarged and the back of the baby had turned into yellow and reddish colour. The pediatrician of the District Hospital who had treated the baby was present at the time of inquest and on questioning he answered that the wound between the left thigh and private part of baby is caused due to infection. No other external injuries were present on the body of the deceased baby...”

- 3.** The post-mortem report submitted by District Hospital, Vijayapura; magisterial enquiry report in U.D.R No: 34/2018 u/s 176 (1-A) of The Code of Criminal Procedure, 1973 and the final opinion of I/c

I.G.P of the Commission state that the death was due to septicaemia and not due to any assault or ill-treatment to the baby.

4. In order to examine the record of treatment given to the baby in the prison and District Hospital, Vijayapura, the Superintendent and Medical Officer of the Central Prison, Vijayapura were called upon to remain personally present before the Commission with relevant record.
5. Accordingly, on 18-09-2019, upon being asked to explain the circumstances, the causes of death and the treatment given to the deceased patient, it was stated by Dr.Waghmore that U.T.P, Smt. Saraswati was taken to hospital on 19-09-2018 due to labour pain. On 20-09-2018, she was delivered of a girl child and both were brought back to the jail on 21-09-2018 and they were kept in the female barrack in a separate room. On 30-09-2018, the baby was found to have a nodule on her left thigh and hence she was given dose of anti-biotic syrup. On 01-10-2018, the injection dose and syrup were administered. On 02-10-2018, same treatment was given and bandage was applied on the boil on the left thigh. Then, on 03-10-2018, one injection was administered in the morning and as she had not taken feeds, she was referred and sent to the District Hospital where she reached at 05.15 p.m. and died at 07.15 p.m. Looking at the District Hospital record, it was noted that the patient was admitted at 06.30 p.m. on 03-10-2018 and death was recorded with diagnosis of “death of baby is due to

septicaemia". In reply to the specific question as to whether this was *prima facie* a case of medical negligence or inadequate medical facility, he replied that he had nothing further to say and added that he had done his duty.

- 6.** After perusing the material placed on record, it appears that the relatives and mother of the deceased baby have not expressed any doubt regarding the cause of death of the child and have not alleged any harassment or ill-treatment in the prison. Although, death of a child cannot be compensated in terms of money, necessary precautions could be taken to avoid deaths of children in the future. Therefore, it is recommended to the Addl. Chief Secretary to Government of Karnataka, Department of Home, that necessary guidelines be issued to all the Superintendents of the prisons in the State to take due care of lactating mothers and new born babies in the prison for their over-all well-being; take necessary measures to provide them adequate and immediate medical assistance and ensure supply of nutritious food to the babies and mothers.
- 7.** It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken.
- 8.** It is hereby brought to kind notice of the Commissioner of Police, Bengaluru that, under the

provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2020, if any application seeking modification or review of order or proceeding passed by this Commission is received, it may be considered by the Commission for appropriate order.

9. A copy of this Opinion, Report and Recommendations shall be sent to the informant and the Additional Chief Secretary, Home Department, Government of Karnataka forthwith.

Sd/-
(Justice D.H. Waghela)
Chairperson

Sd/-
(Shri K.B. Changappa)
Member

Sd/-
(Shri R.K. Dutta)
Member

V.M.N